

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

IN THE MATTER OF THE SEARCH OF:

**The Collection of DNA from the Person of  
Michael Pilimai, also known as Lolo  
Pilimai, currently in the custody of the  
United States Marshals Service, and  
housed at the Salt Lake County Jail**

Case No. 2:23mj426 JCB

**AFFIDAVIT IN SUPPORT OF APPLICATION UNDER  
RULE 41 FOR WARRANT TO SEARCH AND SEIZE**

**I. INTRODUCTION AND AGENT BACKGROUND**

I, Brad Simons, being duly sworn upon oath, hereby declare as follows:

1. I am a special agent with the Federal Bureau of Investigation (FBI), and have been employed in this capacity since July 2014. My responsibilities include the investigation of possible criminal violations under Title 18 of the United States Code. I have experience in the execution of search warrants, to include warrants to collect buccal swabs for purposes of DNA comparison.
2. I completed the required special agent training at the FBI Academy in Quantico, Virginia, Georgia in 2014. My training included lessons in criminal investigative techniques, criminal law, and search warrants.
3. Prior to my employment as a special agent with the FBI, I obtained a bachelor's degree in Accounting from Brigham Young University in 2010.

## **II. JURISDICTION**

4. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. Specifically, the Court is “a district court of the United States . . . that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

## **III. ITEM TO BE SEARCHED**

5. I make this affidavit in support of an application for a warrant to search and to take the following:

**DNA from Michael Pilimai, aka Lolo Pilimai utilizing buccal swabs, who is currently in the custody of the United States Marshals Service, and house at the Salt Lake County Jail**

for evidence of a violation of 18 U.S.C., Section 922(g)(1), Felon In Possession of a Firearm and Ammunition.

6. I make this affidavit based in part on personal knowledge gathered during my participation in this investigation, and in part, upon information and belief. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. During this investigation, I reviewed numerous documents, records, and other evidence, and spoke to and consulted with other agents and/or representatives from law enforcement agencies. The facts presented in this affidavit were obtained from these sources.

#### **IV. FACTS ESTABLISHING PROBABLE CAUSE**

7. On or about July 15, 2022, in West Valley, Utah, law enforcement recovered a Glock 22 .40 caliber firearm with a magazine and ten rounds of ammunition from inside a bag found on the front passenger seat floorboard of a vehicle. Also inside the same bag was an extended magazine containing 21 rounds of .40 caliber ammunition.
8. Michael Pilimai, also known as Lolo Pilimai (hereinafter, “Pilimai”), was seated in the front passenger seat just prior to the recovery of the firearm. Kurtis Moeileolo was seated in the driver’s seat just prior to the recovery of the firearm.
9. At the time the firearm was recovered, Kurtis Moeileolo denied knowledge of the firearm and denied knowing who the bag containing the firearm belonged to, but indicated to law enforcement that it was probably Pilimai’s bag.
10. At the time the firearm was recovered, Pilimai denied possession or ownership of the bag containing the firearm. When asked by law enforcement whether his DNA or fingerprints might be on the firearm, Pilimai stated that he may have touched the firearm a week prior, but claimed the firearm belonged to a cousin of Kurtis Moeileolo.
11. A NIBIN hit connected the Glock .22 firearm that was recovered to a shooting that occurred approximately 3 months earlier in West Valley, Utah, on April 26, 2022. In that case, a witness reported seeing a male shoot the victim and then get into the front passenger seat of an SUV vehicle. A camera captured a photo of

the driver of the SUV a short distance from the shooting. The driver appears to be Kurtis Moeileolo.

12. The firearm recovered on July 15, 2022 was swabbed for potential DNA evidence at the time it was recovered. FBI analysis of a swab taken of the grip and trigger of the firearm contained a sufficient DNA profile to upload into the CODIS database – that is, the Combined DNA Index System that is maintained by the FBI and allows for the comparison of DNA profiles from crime scene evidence (such as a firearm) to the known DNA profiles of convicted offenders.
13. Pilimai is a convicted felon, having previously been convicted in U.S. District Court for the District of Utah, for a violation of 18 U.S.C., Section 922(g)(1), as well as for felony convictions in state court. Pilimai's known DNA profile is in CODIS.
14. In March 2023, the FBI determined that the DNA profile collected from the swab of the grip and trigger of the firearm was a match to the known DNA profile of Pilimai that was contained in CODIS.
15. On or about April 12, 2023, a federal grand jury indicted Pilimai for a violation of 18 U.S.C. Section 922(g)(1) for the July 15, 2022 unlawful possession of the Glock 22 .40 caliber firearm and associated ammunition in case number 2:23-cr-00137-HCN.
16. Pilimai is currently incarcerated in the Salt Lake County Jail, and is scheduled to be in the custody of the United States Marshals Service on May 2, 2023 for an

initial appearance and arraignment on the Indictment in case number 2:23-cr-00137-HCN.

17. Buccal swabs are needed from Pilimai to obtain his DNA for the purpose of conducting a confirmatory analysis between the DNA profile collected from the firearm and Pilimai's DNA profile.

18. Based upon the foregoing information, I submit there is probable cause to believe Michael Pilimai's, also known as Lolo Pilimai's, DNA contains evidence of the commission of a criminal offense, including a violation of 18 U.S.C., Section 922(g)(1), and respectfully request the issuance of a search warrant to collect his DNA utilizing buccal swabs.

Dated this 1st day of May, 2023.



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BRAD SIMONS  
Special Agent, FBI

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1.



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JARED C. BENNETT  
UNITED STATES MAGISTRATE JUDGE